

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1-51 were previously pending in this application. By this amendment, Applicant is canceling claims 1-47 and 49-51 without prejudice or disclaimer. Claim 48 is amended and new claims 52-97 are added. As a result, claims 48, and 52-97 are pending for examination with claim 48 and 90 being independent claims. No new matter is added.

#### **I. Claim 48 Overcomes Rejections Under 35 U.S.C. §102**

Claim 48 stands rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,656,091 (Abelbeck et al.). Without acceding to the propriety of the rejection, Applicant hereby amends claim 48 as discussed below.

Claim 48, as amended, is directed to a system for tracking exercise completed by a user. The system comprises, among other features, a portable piece of exercise equipment, an in-use sensor mounted to each portable piece of equipment that provides an output, and a controller mounted to each portable piece of equipment. The controller is responsive to the output of the in-use sensor and is adapted discern an exercise pattern of the portable piece of equipment being used by the user.

Abelbeck is directed to a system that includes an exercise device having sensor and a method of information transfer between the exercise device and a user. The system identifies the user and generates a specific exercise protocol to control an exercise session on the machine being used. Information from the sensors is also used to generate a new protocol for the user's next exercise session. (Abstract). Abelbeck discloses a system for use with stationary exercise machines, such as those used to perform a single type of exercise, like an arm curl machine (Fig. 1), a treadmill, a stationary bike, a stepper, or a rowing machine (column 5, lines 62-65).

Abelbeck does not disclose a system including a portable piece of exercise equipment, such as a dumbbell, that may be used to perform numerous exercise patterns, like curls or presses, to name a few.

Furthermore, Abelbeck does not disclose discerning an exercise pattern, as claim 48 has also been amended to recite. In discerning an exercise pattern the system recited by claim 48 is capable of identifying which exercise is being performed by the user with the portable equipment. For example, the system of claim 48 may be capable of discerning when a user is

performing a curl or a press. The system may also provide feedback to the user on their form in executing an exercise.

Claim 48 distinguishes Abelbeck at least because Abelbeck does not disclose tracking use of portable pieces of exercise equipment or discerning exercise patterns. Accordingly, withdrawal of this rejection is respectfully requested.

**II. New Claims 52-89 Are In Condition For Allowance**

By this amendment, applicant presents new claims 52-89, which depend from independent claim 48, and are believed to be allowable over the cited art for at least the same reasons discussed above with respect to claim 48.

**III. New Claims 90-97 Are In Condition For Allowance**

Also by this amendment, applicant presents new claims 90-97, including independent claim 90, which is directed to a method of tracking exercise completed by a user. The method comprises communicating a unique identification signal to a controller, the identification signal correlated to a particular user of a portable piece of exercise equipment and communicating an output from an in-use sensor mounted to the portable piece of equipment to the controller. The method also comprises recording with the controller the use of the exercise equipment associated with the user identification signal and discerning with the controller an exercise pattern of the portable piece of equipment being used by the user.

Claim 90 and claims 91-97 depending therefrom distinguish the cited art of record and are believed to be allowable for at least the same reasons discussed above with respect to independent claim 48.

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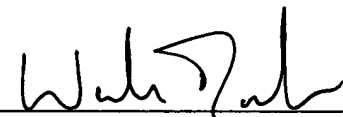
**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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